

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER DIEPENHORST,

Plaintiff,

Case No. 1:05-CV-734

v.

HON. GORDON J. QUIST

CITY OF BATTLE CREEK &
SERGEANT BRUCE PENNING,

Defendants.

MEMORANDUM OPINION AND ORDER

On April 17, 2007, the Court entered an Order granting Defendant City of Battle Creek's (the "City") and Defendant Bruce Penning's motions for summary judgment and dismissing Plaintiff's complaint. Now before the Court are Defendants' proposed Bills of Costs. The City requests costs in the amount of \$30,207.51, of which \$21,797.41 is disputed by Plaintiff, leaving an uncontested amount of \$8,410.10. Penning requests costs in the amount of \$3,792.25, of which \$294.50 is disputed by Plaintiff, leaving an uncontested amount of \$3,497.75.

Defendants argue that Plaintiff failed to comply with Local Rule of Civil Procedure 54.1 when she filed her "Objections" to Defendants' Bills of Costs. Specifically, LCivR 54.1 requires that a motion to disallow the claimed costs comply with LCivR 7.1 and 7.3. Defendants request that the Court disallow Plaintiff's objections to the proposed bill of costs because Plaintiff filed her motion in response as an objection and did not seek concurrence from Defendants as required by LCivR 54.1 and 7.1. Alternatively, Defendants state that they concur with Plaintiff's objections and ask that the Court enter an order awarding the uncontested costs to Defendants. The Court will treat

Plaintiff's objections as a motion in response to Defendants' Bills of Costs. Based on Defendants' concurrence with Plaintiff's motion,

IT IS HEREBY ORDERED that the City of Battle Creek's Bill of Costs (docket no. 117) is **GRANTED** in the amount of \$8,410.10.

IT IS FURTHER ORDERED that Bruce Penning's Bill of Costs (docket no. 118) is **GRANTED** in the amount of \$3,497.75.

Dated: June 7, 2007

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE